

**STATE CONSUMER DISPUTES REDRESSAL COMMISSION, PUNJAB
SECTOR 37-A, DAKSHIN MARG, CHANDIGARH.**

First Appeal No.1404 of 2012.

Date of Institution: 17.10.2012.

Date of Decision: 04.12.2012.

Parbodh Chander Bali S/o Sh. G.C. Bali, R/o 16-Shiv Nagar, Batala Road,
Amritsar-143001 (Punjab).

.....Appellant.

Versus

Public Information Officer (PIO), O/o The Senior Supdt. of Police, Punjab
State Crime Branch & Cyber Investigation, Phase-IV, Near BSNL Exchange,
SAS Nagar (Mohali), Punjab.

...Respondent.

**First Appeal against the order dated
25.09.2012 of the District Consumer
Disputes Redressal Forum, SAS Nagar
(Mohali).**

Before:-

Shri Inderjit Kaushik, Presiding Member.

Shri Baldev Singh Sekhon, Member.

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Present:- Sh. Parbodh Chander Bali, appellant in person.

INDERJIT KAUSHIK, PRESIDING MEMBER:-

Sh. Parbodh Chander Bali, appellant (In short “the appellant”) has filed this appeal against the order dated 25.09.2012 passed by the learned District Consumer Disputes Redressal Forum, SAS Nagar (Mohali) (in short “the District Forum”), vide which the complaint of the appellant was dismissed.

2. We have heard Sh. Parbodh Chander Bali, appellant, who is present in person.

3. The appellant has relied upon the decision of the Hon’ble Rajasthan State Consumer Disputes Redressal Commission in case “*M/s Vivek Harsh International & Anr. Vs The Corporation Bank & Anr.*”, Complaint

no.19 of 2006; order dated 12.06.2012 of the Hon'ble Madras High Court in case "SS 1505 Mohanur Cooperative Building Society Ltd. & Anr. Vs The District Consumer Disputes Redressal Forum, Namakkal, District Namakkal & Anr.", and the decision of the Hon'ble Supreme Court in case "M/s Fair Air Engineers Pvt. Ltd. Vs N.K. Modi", AIR 1997 SC-533.

4. We have gone through the orders and the judgments.

5. Hon'ble Supreme Court in the above noted case, has held that Section-3 of the Consumer Protection Act (hereinafter called "the Act") provides additional remedies and the Act intends to relieve the consumers of the cumbersome arbitration proceedings or civil actions, unless the Forums decide otherwise and the order of the State Commission to refer the matter to the arbitration was set aside. The Hon'ble High Court of Madras in the above noted case, relying upon the authority of the Hon'ble Supreme Court in case "Secretary, Thirumurugan Coop. Agriculture Credit Society Vs M. Lalitha", (2004)1 SCC-305 reproduced Paras No.12, 18 and 19 of the said judgment and held that Section-3 of the Act is in addition to granting a specific relief and the Forums under the Act have jurisdiction to award compensation for the mental agony, suffering etc. In case '*M/s Vivek Harsh International & Anr.*' (supra), the Hon'ble Rajasthan State Commission considered the point whether the complaint before this Commission is maintainable after approaching the Banking Ombudsman or not and held that the complaint is maintainable even though the complainants have approached the Banking Ombudsman.

6. The ratio of the law laid down by the Hon'ble Supreme Court, the Hon'ble High Court and the Hon'ble Rajasthan State Commission is to the effect that Section-3 of the Act provides additional remedy and the remedies such as arbitration and approaching the Ombudsman are not hindrances in the filing of the complaint before the Forums.

7. We are of the opinion that the ratio of the law laid down in the above quoted authorities is not applicable to the facts and circumstances of

the present case, because in the present case, the appellant has exhausted all the remedies available under the Right to Information Act and he has filed the appeal before the State Information Commission, Punjab, Chandigarh and after exhausting all the remedies provided under the RTI Act, he cannot avail the remedies provided U/s 3 of the Act and he has to further seek the remedy available to challenge the order of the State Information Commission, Punjab, Chandigarh, before the appropriate authority as provided under that Act.

8. There is no ground to interfere with the order of the District Forum and no ground is made out to issue any notice and, as such, the appeal is dismissed in limine.

(Inderjit Kaushik)
Presiding Member

(Baldev Singh Sekhon)
Member

December 04, 2012.
(Gurmeet S)